



KARA J. ROSENTHAL

Partner

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Kara Rosenthal defends clients across the healthcare industry in high-stakes professional liability and product liability litigation and regulatory review matters. She has extensive experience defending wrongful death cases, credentialing and privileging claims—by both patients and healthcare professionals—and defamation actions. Kara also serves as national counsel to medical device and pharmaceutical manufacturers to defend against product liability lawsuits.

EDUCATION

Boston University School of Law, J.D., 2004, *cum laude*
Dean's Scholar; G. Tauro Scholar;
Civil Litigation and Alternative Dispute Resolution; Civil Litigation Clinical

Arizona State University, B.A., 2000, Major in Economics and Political Science; Minor in Philosophy, *summa cum laude*
Phi Beta Kappa

OTHER EXPERIENCE

Sedgwick, Detert, Moran & Arnold, LLP (nka Sedgwick, LLP)

ADMISSIONS

California
Colorado

HIGHLIGHTS

- Won an appeal regarding application of the Anti-SLAPP statute to a defamation action brought by a physician against a hospital.
- Defeated class certification allegations at the pleadings stage and obtained voluntary dismissal for a hospital in a negligent credentialing action.
- Co-authored the brief that helped defeat class certification allegations at the pleadings stage against a hospital for purported sterilization issues.
- Won a defense verdict for a spine surgeon in a multimillion-dollar medical malpractice and negligence lawsuit.
- Obtained summary judgment for a physician's assistant in a medical malpractice lawsuit alleging surgical malpractice resulting in partial paralysis.
- Served as national counsel to a global healthcare company in multidistrict litigation involving over 12,000 claims relating to dialysis products. WTO helped develop national resolution strategy, identified bellwether cases, and negotiated settlement of all claims.
- Serving as national coordinating and trial counsel to a cochlear implant manufacturer for the defense of product liability lawsuits involving a Class III medical device used to treat hearing loss.

INDUSTRIES

- Healthcare
- Medical Devices & Pharmaceuticals
- Professional Services

PRACTICE AREAS

- Product Liability
- Healthcare Professional Liability
- Catastrophic Injury Defense

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BIOGRAPHY

Kara Rosenthal defends clients across the healthcare industry in high-stakes professional liability and product liability litigation and regulatory review matters. She has extensive experience defending wrongful death cases, credentialing and privileging claims—by both patients and healthcare professionals—and defamation actions. Kara also serves as national counsel to medical device and pharmaceutical manufacturers to defend against product liability lawsuits.

Kara defends organizations and individuals in medical malpractice and negligence trials; builds litigation strategy to handle nationwide mass torts defense for medical device and pharmaceutical makers; and defends mental and behavioral health providers and long-term care facilities facing catastrophic claims. She also represents healthcare providers in board and professional review inquiries, in which she frequently obtains dismissals and notifications of no action taken.

In addition to her professional and product liability experience for healthcare clients, Kara represents health facilities in claim and reimbursement disputes with patients and agencies, such as the Centers for Medicaid and Medicare Services. She also assists clients with Joint Commission and state audit responses and investigations, as well as administrative negligence claims.

Kara serves as Wheeler Trigg O'Donnell's HIPAA Privacy Officer. She is well versed in and routinely advises clients on a variety of privacy and privilege issues, including HIPAA and HITECH Act regulations, ADA, state and federal mental and behavioral health regulations, and general privacy law.

CASES

Featured Wins

- Won an appeal regarding application of the Anti-SLAPP statute to a defamation action brought by a physician against a hospital.
- Won a defense jury verdict for a spinal surgeon in a multimillion-dollar medical malpractice lawsuit in Colorado. The patient experienced a complication during surgery that resulted in partial paralysis. WTO lawyers demonstrated that our client was not at fault. Following the two-week trial, jurors delivered a complete defense verdict.
- Won a defense decision for a Philadelphia psychiatric hospital in a two-day medical malpractice arbitration involving the death of a patient killed in an auto accident hours after being discharged.

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- Won a jury defense verdict for an orthopedic spine surgeon in a medical malpractice case with millions of dollars in damage claims at stake, including eight years of accruing pretrial interest.
- Represented a hospital in a four-week trial in California involving special damages in excess of \$10 million in claims relating to the care of an adult male with brain damage. The jury returned a verdict of \$6 million, but also found the plaintiff 75% contributory negligent. After the setoff from settling the defendant, WTO's client owed only \$37,000.

Other Relevant Experience

- Defeated class certification allegations at the pleadings stage and obtained voluntary dismissal for a hospital in a negligent credentialing action.
- Co-authored the brief that helped defeat class certification allegations at the pleadings stage against a hospital for purported sterilization issues.
- Obtained summary judgment for a physician's assistant in a medical malpractice lawsuit alleging surgical malpractice resulting in partial paralysis.
- Served as national counsel to a global healthcare company in multidistrict litigation involving over 12,000 claims relating to dialysis products. WTO helped develop national resolution strategy, identified bellwether cases, and negotiated settlement of all claims.
- Serving as national coordinating and trial counsel to a cochlear implant manufacturer for the defense of product liability lawsuits involving a Class III medical device used to treat hearing loss.
- Obtained Rule 12 dismissal of a defamation case against a psychologist who performed a parental responsibilities evaluation in a child custody dispute. The order granting motion to dismiss was upheld on appeal, and WTO won an award of defense costs for our client.
- Obtained Rule 12 dismissal for a social worker in a wrongful death case following an adolescent suicide. Awarded attorneys' fees and defense costs.
- Won summary judgment for a chiropractic practice in a case alleging negligent lumbar spine manipulation resulting in permanent disc injury.
- Secured early dismissals before protracted discovery in numerous cases for psychiatrists, psychologists, surgeons, behavioral healthcare facilities, and telemedicine providers.

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BAR & COURT ADMISSIONS

California
Colorado
U.S. Court of Appeals, 7th Circuit
U.S. Court of Appeals, 9th Circuit
U.S. District Court, C.D. California
U.S. District Court, D. Colorado
U.S. District Court, N.D. California
U.S. District Court, N.D. Illinois
U.S. District Court, W.D. Michigan

LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

The Best Lawyers in America
 Medical Malpractice Law - Defendants, 2021, 2023-2024
 Personal Injury Litigation - Defendants, 2021-2024
Colorado Super Lawyers
 Personal Injury Defense: Medical Malpractice, 2022-2024
Colorado Rising Stars
 Personal Injury Defense: Medical Malpractice, 2010-2019
Benchmark Litigation
 Future Star - Colorado, 2015-2018, 2021-2024
5280 Magazine
 Top Lawyer
 Medical Malpractice Defense, 2021
Consultant, CEB California Civil Discovery, Chapter 7: Interrogatories
 (2006 California Board of Regents)
American Health Lawyers Association
American Society of Health Risk Managers
Defense Research Institute

COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

University of Colorado School of Medicine
 Admissions Interview Subcommittee, 2013-2017

ARTICLES & PRESENTATIONS

Presentations

- CLE presentation, "Evidentiary Foundations – Anticipating and Overcoming Objections," Denver, CO, (October 2019).
- "HIPAA 101," Paralegal presentation, Denver, CO, (April 2019).

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- Co-presenter, "Chronic Pain: The Narcotics Problem," "Pain Management: The Quagmire of Drugs, Drugs, and More Drugs," The International Association of Defense Counsel Annual Meeting, Colorado Springs, CO, (July 6, 2015).
- Presenter, "Social Media and Cyber Liability," Colorado Healthcare Associated Risk Managers, Denver, CO, (March 2014).
- "HIPAA: The HITECH Act's Impact: Beyond the Doctor's Office," (November 18, 2013).
- Presenter, "Defending Suicide: Investigating and Defending a High Profile Event," The American Society of Health Risks Managers Annual Conference, Phoenix, Arizona, (October 19, 2011).

PERSONAL INTERESTS

- Cooking, spending time with daughter creating and learning about art.